

ORDINANCE NO. 15-19

**AN ORDINANCE OF THE COUNTY OF SISKIYOU
AMENDING CHAPTER 14 OF TITLE 10
OF THE SISKIYOU COUNTY CODE
REGARDING CULTIVATION OF MEDICAL MARIJUANA**

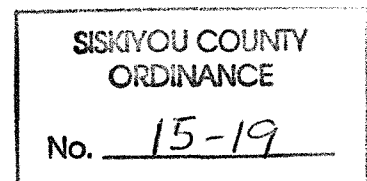
THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU ORDAINS AS
FOLLOWS:

SECTION I: Section 10-14.010 of Chapter 14 of Title 10 is hereby amended to
read as follows:

"Sec. 10-14.020. - Definitions.

Except where the context otherwise requires, the following definitions shall govern
the construction of this chapter:

- (a) "Church" means a building, together with its accessory buildings and uses,
maintained and controlled by a body organized to conduct religious worship and
used primarily for religious worship and related activities.
- (b) "Collective" means qualified patients, persons with valid identification cards, and
the designated primary caregivers of qualified patients who associate by
agreement in order to cooperatively cultivate marijuana for medical purposes. The
term "collective" shall include "cooperative" unless the context clearly indicates
otherwise.
- (c) "County Building Official" means the Deputy Director of Building for the Siskiyou
County Community Development Department.
- (d) "Cultivation" means the planting and growing of one (1) or more marijuana plant(s)
or any part thereof.



- (e) "Director" means the Director of the Siskiyou County Community Development Department.
- (f) "Department" means the Siskiyou County Community Development Department.
- (g) "Enforcing officer" means the Director of the Siskiyou County Community Development Department or the Sheriff, or the authorized deputies or designees of either, each of whom is independently authorized to enforce this chapter.
- (h) "Fence" means a barrier constructed of any materials or combination of materials of sufficient strength and dimension to prevent unauthorized entry. The term "fence" does not include bushes, hedgerows, plastic sheeting, cloth material (tarpaulins), or retaining walls.
- (i) "Greenhouse" means, for purposes of this Chapter, an accessory structure to a residence located on the same premises, legally established with all required permits approved, constructed primarily of translucent glass or glass-like material (or other similar material approved by the County Building Official), completely enclosed with one or more secure locking doors as the only means of ingress and egress, where plants are grown.
- (j) "Harvest" means the drying, processing, or storage of marijuana.
- (k) "Indoor" or "indoors" means within a fully enclosed and secure accessory structure to a residence located on the same premises that complies with all requirements of the Siskiyou County Code with all required permits approved, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or

more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two-inch by four-inch or thicker studs overlain with three-eighths-inch or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

(l) "Legally established residence" means a structure designed, approved, and maintained for permanent human habitation pursuant to Title 24 or Title 25 of the California Code of Regulations or constructed prior to adoption of the California Building Standards Code by the County of Siskiyou. "Legally established residence" does not include a structure that has been deemed substandard by the County Building Official or his/her authorized agents.

(m) "Legal parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code).

(n) "Marijuana plant" means any mature plant or immature plant, of *Cannabis sativa*, *Cannabis indica* or a hybrid of the two, unless otherwise specifically provided herein. The term "marijuana plant" does not include seeds.

(o) "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure or greenhouse as defined herein.

(p) "Premises" means a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall be counted as a single "premises" for purposes of this chapter.

(q) "Primary caregiver" shall have the meaning set forth in Health and Safety Code sections 11362.5 and 11362.7.

- (r) "Public library" means a public facility in which literary, musical, artistic, or reference materials are kept for reading, reference or lending.
- (s) "Public park" means land that is publicly owned or controlled for the purpose of providing recreation and/or open space for public use.
- (t) "Qualified patient" shall have the meaning set forth in Health and Safety Code sections 11362.5 and 11362.7.
- (u) "School" mean a place for systematic instruction in any branch or branches of knowledge, including public, parochial and nonprofit elementary or secondary schools, attendance at which satisfies the requirements of the Compulsory Education Law (Education Code Section 48200 et seq.).
- (v) "Youth oriented facility" means elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This shall not include a child care center.

SECTION II: Section 10-14.030 is hereby amended to read as follows:

"Nuisance Declared.

"(a) The cultivation of marijuana on any premises in violation of this Chapter is hereby declared to be unlawful and a public nuisance that is subject to abatement in accordance with this Chapter, Chapter 5 of Title 1, and/or any other remedy available at law or equity.

(b) Cultivation is prohibited on any parcel unless there is an occupied, legally established residence on the premises that is connected to an approved sewer system or to a Siskiyou County inspected and approved wastewater disposal system.

(c) Cultivation within a residence or any other structure used or intended for human occupancy is prohibited.

(d) Outdoor cultivation on any premises is prohibited.

(e) Cultivation may only occur on a premises within a detached residential accessory structure affixed to the real property that:

(1) meets the definition of "indoor";

(2) is located on the same premises as the residence of a qualified patient(s) or a primary caregiver(s); and

(3) complies with all of the provisions of the Siskiyou County Code relating to accessory structures. Where the provisions of this Chapter are more restrictive than other provisions of the Siskiyou County Code, this Chapter shall govern.

(f) Accessory structures used for cultivation shall meet all of the following criteria:

(1) The accessory structure shall be legally constructed with all applicable permits, including, but not limited to, structural, electrical, mechanical, and plumbing approved by the applicable authorities prior to any cultivation activity. The conversion of any existing accessory structure, or portion thereof, for cultivation shall be subject to these same permit requirements and must be inspected for compliance by the applicable authorities prior to any cultivation.

- (2) The accessory structure shall not be located in the front yard setback area of the parcel and shall maintain a minimum building setback of twelve feet from all side and rear property lines. Distance shall be measured in a straight line from either (A) the nearest exterior wall of the indoor cultivation structure or (B) the nearest fence surrounding the greenhouse cultivation structure, as applicable, to the nearest property line.
- (3) The maximum electrical panel for the cultivation area shall be fifty amps. Except for temporary use in case of emergency power loss, the use of generators to supply power to any system or activity associated with cultivation is prohibited.
- (4) Light systems associated with indoor cultivation shall not exceed two thousand watts total and shall be shielded, including adequate coverings on windows, so as to confine light and glare to the interior of the structure. Lighting systems shall conform to all applicable building and electrical codes. Grow light systems within a greenhouse are prohibited.
- (5) The accessory structure shall be equipped with odor control filtration and ventilation system(s) adequate to prevent an odor, humidity, or mold problems on the premises or adjacent parcels.
- (6) The accessory structure shall have locking doors and a working security system which shall consist of a standard audible residential alarm of at least ninety dBA, but not exceeding one hundred ten dBA.
- (7) If the accessory structure is a greenhouse, for security and visual screening purposes, it shall additionally be surrounded by a secure solid

minimum six-foot high fence located within ten feet of the greenhouse, and equipped with a lockable gate.

(g) Cultivation of more than twelve marijuana plants on any premises is prohibited.

The foregoing limitation shall be imposed regardless of the number of qualified patients or primary caregivers residing at the premises or participating directly or indirectly in the cultivation. Further, this limitation shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.

(h). Cultivation of marijuana is prohibited on any premises located within the following areas:

(1) Within one thousand feet of a school, public park, public library, church, or youth-oriented facility. Distance shall be measured in a straight line from either (A) the nearest exterior wall of the indoor cultivation structure or (B) the nearest fence surrounding the greenhouse cultivation structure or from the nearest exterior wall of the greenhouse cultivation structure, whichever is closer, as applicable, to the nearest property line of the nearest school, public park, public library, church, or youth-oriented facility.

(2) In any location where the marijuana plants would be visible from any public right-of-way or publicly traveled private roads at any stage of their growth.

(i) All persons and entities engaging in the cultivation of marijuana shall:

(1) have a legal water source on the premises;

(2) not engage in unlawful or unpermitted surface drawing of water for such cultivation; and/or

(3) not permit illegal discharges of water from the premises.

(j) Marijuana cultivation shall not adversely affect the environment or the public health, safety, or general welfare by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, or vibration, by the use or storage of plant or animal poisons, or hazardous materials, processes, products or wastes, or by any other way.

(k) No person owning, leasing, occupying, or having charge or possession of any parcel or premises within the county shall cause, allow, suffer, or permit such premises to be used for the cultivation of marijuana in violation of the Siskiyou County Code.

(l) Unless the person(s) cultivating marijuana on any parcel is/are the sole legal owner(s) of the parcel, such person(s) shall obtain a notarized letter(s) from all of the legal owner(s) indicating that all of the legal owner(s):

(1) has/have reviewed and understand(s) Title 14 of Chapter 10 of the Siskiyou County Code related to medical marijuana cultivation; and

(2) consent(s) to the cultivation of marijuana on the parcel.

A copy of the notarized letter(s) must be kept available to immediately present to enforcing officers and law enforcement officers upon request. The department may prescribe forms for such letters. Cultivation in the absence of such notarized written consent is prohibited.

(m) The name and contact information of each qualified patient and primary caregiver residing on the premises where medical marijuana cultivation is located

shall be immediately available at the premises and provided to enforcing officers and law enforcement officers upon request.

SECTION III: Constitutionality: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION IV: This ordinance shall become effective 30 days after its passage and shall, within 15 days of adoption, be published once in a newspaper of general circulation, printed and published in the County of Siskiyou.

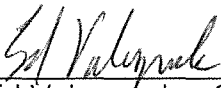
PASSED AND ADOPTED this 8th day of December, 2015, at a regular meeting of the Board of Supervisors by the following vote:

AYES: Supervisors Bennett, Criss, Haupt and Kohseff

NOES: Supervisor Valenzuela

ABSENT: 0

ABSTAIN: 0



Ed Valenzuela, Chairman
Board of Supervisors

ATTEST:
COLLEEN SETZER, CLERK,
Board of Supervisors

By 

Deputy